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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SESHASAYEE

CRIMINAL REVISION CASE NO.69 OF 2022

Thangavel

... Petitioner

Versus

State by  
The Inspector of Police,  
Uthukuli Police Station,  
Tiruppur District  
Crime No.723 of 2021

... Respondent

Criminal Revision Case filed under Section 397 of Criminal Procedure Code, to set aside the order dated 15.11.2021 made in CrI.M.P.No.2706 of 2021 on the file of the District Munsif cum Judicial Magistrate, Uthukuli and consequently, direct the respondent to return the vehicle namely, motorcycle bearing Regn. No.TN 56 Q 0329 to the petitioner forthwith.

|                |   |                                                                 |
|----------------|---|-----------------------------------------------------------------|
| For Petitioner | : | Mr.M.Navaneetha Krishnan<br>for Mr.C.Munusamy                   |
| For Respondent | : | Mr.Leonard Arul Joseph Selvam<br>Government Advocate (CrI.Side) |

O R D E R

The Revision Petitioner herein is the owner of the vehicle viz Motorcycle bearing Registration No.TN 56 Q 0329 and he has been arrayed as accused in Crime No.723 of 2021 of the respondent police and has been accused of the offences under Section 8(c) and 20(b)(ii)(A) of NDPS Act 1985. The offence is that this vehicle was involved in possession of 50 grams of ganja.



2.The aforesaid vehicle of the revision petitioner was taken into custody by the respondent Police, for return of which, the revision petitioner had moved the trial Court in Crl.M.P.No.2706 of 2021 which came to be dismissed by the trial Court Vide order dated 15.11.2021.

3.Heard, both sides.

4.Mr.Leonard Arul Joseph Selvam, learned Government Advocate (Crl.Side) submitted that the vehicle was not involved in any such offence earlier and also added that the confiscation proceedings has not yet been commenced.

5.After hearing both sides, this Court chooses to allow this petition and accordingly directs the learned District Munsif cum Judicial Magistrate, Uthukuli to return the Motorcycle bearing Registration No.TN 56 Q 0329, to the petitioner, on the following conditions:-

(i)The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and District Munsif cum Judicial Magistrate on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use the vehicle;

(ii)The petitioner shall not alter or alienate the vehicle in any manner till confiscation proceedings is over;

(iii)The petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent or the Court below as well as by the District Collector of the District or authorized officer in that behalf by the Government;

(iv)The petitioner shall participate in the confiscation proceedings, if any initiated, and shall produce the vehicle, before the confiscation authority. This order is subjected to the confiscation proceedings.

6.With the above directions, the Criminal Revision Case is allowed by setting aside the order dated 15.11.2021 passed in Crl.M.P.No.2706 of 2021 by the learned District Munsif cum Judicial Magistrate, Uthukuli.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

msv



To

1. The District Munsif cum  
Judicial Magistrate, Uthukuli

2. The Inspector of Police,  
Uthukuli Police Station,  
Tiruppur District

3. The Public Prosecutor,  
High Court, Madras.

Criminal Revision Case No.69 of 2022

GPL (CO)  
RLP (09/03/2022)